



U.S. Citizenship  
and Immigration  
Services

DA

FILE:

Office: CALIFORNIA SERVICE CENTER

Date:

IN RE:

Petitioner:  
Beneficiary

PETITION: Immigrant Petition for Alien Worker as an Alien of Extraordinary Ability Pursuant to Section 203(b)(1)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(A)

ON BEHALF OF PETITIONER:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

*Mark Johnson*

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The employment based immigrant visa petition was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The petitioner seeks classification as an employment-based immigrant pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A), as an alien of extraordinary ability in business. The director determined the petitioner had not established the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability.

Section 203(b) of the Act states, in pertinent part, that:

(1) Priority Workers. -- Visas shall first be made available . . . to qualified immigrants who are aliens described in any of the following subparagraphs (A) through (C):

(A) Aliens with Extraordinary Ability. -- An alien is described in this subparagraph if --

- (i) the alien has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation,
- (ii) the alien seeks to enter the United States to continue work in the area of extraordinary ability, and
- (iii) the alien's entry to the United States will substantially benefit prospectively the United States.

As used in this section, the term "extraordinary ability" means a level of expertise indicating that the individual is one of that small percentage who have risen to the very top of the field of endeavor. 8 C.F.R. § 204.5(h)(2). The specific requirements for supporting documents to establish that an alien has sustained national or international acclaim and recognition in his field of expertise are set forth in the regulation at 8 C.F.R. § 204.5(h)(3). The relevant criteria will be addressed below. It should be reiterated, however, that the petitioner must show that he has earned sustained national or international acclaim at the very top level.

This petition, filed on August 27, 2002, seeks to classify the petitioner as an alien with extraordinary ability as a "Branch Manager of Bank Leumi's U.S.A. branches in Beverly Hills, California and Encino, California."

The regulation at 8 C.F.R. § 204.5(h)(3) indicates that an alien can establish sustained national or international acclaim through evidence of a one-time achievement (that is, a major, international recognized award). Barring the alien's receipt of such an award, the regulation outlines ten criteria, at least three of which must be satisfied for an alien to establish the sustained acclaim necessary to qualify as an alien of extraordinary ability. The petitioner has submitted evidence that, counsel claims, meets the following criteria.

*Published materials about the alien in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation.*

In general, in order for published material to meet this criterion, it must be printed in professional or major trade publications or other *major* media. To qualify as major media, the publication should have significant national distribution and be published in a predominant language. An alien would not earn acclaim at the national or international level from a local publication or from a publication in a language that most of the population cannot comprehend.

The evidence presented under this criterion included a local advertisement for Bank Leumi's financial services and some captioned photographs appearing in the *Los Angeles Jewish Times* and other local publications. Also submitted were a few local articles published in Farsi and Hebrew that were unaccompanied by certified English language translations. By regulation, any document containing foreign language submitted to Citizenship and Immigration Services shall be accompanied by a full English language translation that the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English. 8 C.F.R. § 103.2(b)(3).

Without proper translations indicating that the petitioner is the primary subject of the published articles and evidence of the articles' significant national or international distribution, the petitioner has failed to show that the publications he submitted would satisfy this criterion. The petitioner has not shown that he has garnered sustained attention from major national or international media.

*Evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media.*

The record contains evidence showing that the petitioner authored a few published pieces appearing in *Jewish World* magazine.

Dr. Baroukh Boroukhim, Publisher and Editor, *Jewish World* magazine, states:

This is to confirm that [the petitioner] has been a member of the editorial staff of...*Jewish World* for the past 2 years.

[The petitioner] has been a voluntary writer in the magazine, who contributed to the magazine essays, and translated commentaries on economic, political and social subjects.

[The petitioner's] columns have provided an enriching source of information for our readers.

The *Jewish World* magazine is issued in 10,000 copies and distributed all over Southern California as well as New York. Its readership extends to other areas throughout the U.S., and outside.

The record contains a few articles from *Jewish World* that were authored by the petitioner, but none of these articles were accompanied by full English language translations.<sup>1</sup> See 8 C.F.R. § 103.2(b)(3). We note here that *Jewish World* is published in Farsi and circulated primarily in Southern California. We do not find that publication in a magazine with such limited circulation constitutes authorship in “major media.” Aside from its circulation being mostly limited to Southern California, it is published in language that only a very small portion of the U.S. population can comprehend. Here, the petitioner has not provided citation records or other evidence to establish that experts in the banking industry or financial scholars regard his published work as especially significant.

*Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation.*

The record reflects that the petitioner holds the position of Vice President and Branch Manager of Bank Leumi’s U.S. branches in Beverly Hills, California and Encino, California.

The record does not adequately show that the California branches of Bank Leumi run by the petitioner have earned a distinguished reputation when compared to other banking institutions. For example, the record contains no published materials reflecting that the petitioner’s branches have significantly outperformed their competitors in the banking industry. Nor does the record adequately demonstrate that the importance of petitioner’s role as a branch manager is any more significant than that of the numerous other bank branch manager positions that exist throughout the banking industry. We note here that information provided by the petitioner indicates that Bank Leumi has “more than 300 offices world-wide.” This criterion, like all of the criteria, is intended to separate the petitioner from the majority of executives in the banking industry. We find that the evidence presented does not adequately establish that the petitioner has performed in a leading or critical role for a distinguished establishment, or that his involvement has earned him sustained national or international acclaim.

*Evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field.*

The record contains a letter from Bank Leumi dated August 2, 2002 stating that the petitioner receives a base annual salary of \$108,000. The petitioner offers no basis for comparison to show that this amount is significantly high in relation to other executives in the banking industry. According to the Department of Labor’s Occupational Outlook Handbook, 2004-2005 edition (page 41), the top ten percent of financial managers earned over \$142,260 in 2002. Therefore, we find that the evidence presented by the petitioner does not support the conclusion that the beneficiary is among the highest paid bank executives in his industry.

The documentation submitted in support of a claim of extraordinary ability must clearly demonstrate that the alien has achieved sustained national or international acclaim, is one of the small percentage who has risen to the very top of the field of endeavor, and that the alien’s entry into the United States will substantially benefit prospectively the United States. The petitioner in this case has failed to demonstrate that he meets at least three

---

<sup>1</sup> Only one of these articles, entitled “Comparing Economic Situations in Different Countries,” was accompanied by a partial translation. The incomplete translation consisted of three one-sentence excerpts from this article.

of the criteria that must be satisfied to establish the sustained national or international acclaim necessary to qualify as an alien of extraordinary ability.

Review of the record does not establish that the petitioner has distinguished himself as a banking professional to such an extent that he may be said to have achieved sustained national or international acclaim or to be within the small percentage at the very top of his field. The evidence is not persuasive that the petitioner's achievements set him significantly above almost all others in his field at the national or international level. Therefore, the petitioner has not established eligibility pursuant to section 203(b)(1)(A) of the Act and the petition may not be approved.

The burden of proof in visa petition proceedings remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, the petitioner has not sustained that burden. Accordingly, the appeal will be dismissed.

**ORDER:** The appeal is dismissed.